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7 *Attorneys for Plaintiff*

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION
11

12 SIGMA ENTERPRISES, LLC, a limited
13 liability company,

Case No. 8:17-CV-01074-DOC-JCG

14 Plaintiff,

JUDGMENT

15 v.

16 ALLURING DEALS LLC d/b/a K.T.B.
COSMETICS, a limited liability
17 company; HUGO SANCHEZ a/k/a
HUGO SANCHEZ BAZ, an individual,
18 d/b/a KICK THE BEAUTY; ART
COSMETICS GLOBAL INC., a
19 California corporation; LIZETH ANILU
GARCIA, an individual, d/b/a KICK
20 THE BEAUTY; and DOES 1 through 20,
inclusive,

21 Defendants.
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1 On November 15, 2017, this Court granted in part Plaintiff Sigma
2 Enterprises, LLC's Motion for Default Judgment and Attorneys' Fees, awarding
3 Plaintiff \$1.00 in nominal damages, \$33,588.40 in attorneys' fees, and \$1,373.50 in
4 costs, as well as granting Plaintiff's request for injunctive relief and an order for
5 destruction. (Dkt. 42.) Accordingly, **IT IS HEREBY ORDERED, ADJUDGED,**
6 **AND DECREED THAT:**

7 1. Judgment in the amount of \$34,962.90 is entered in favor of Plaintiff
8 Sigma Enterprises, LLC and against Defendants Hugo Sanchez (a/k/a Hugo
9 Sanchez Baz d/b/a Kick the Beauty), Art Cosmetics Global, Inc., and Lizeth
10 Anilu Garcia (d/b/a Kick the Beauty) (collectively, the "Defendants"), jointly
11 and severally.

12 2. Defendants are permanently enjoined from:

- 13 a. Infringing upon Plaintiff's Copyright No. TXu002031675 (*see*
14 Dkt. 42 at 9);
- 15 b. Directly or indirectly manufacturing, purchasing, importing,
16 exporting, advertising, promoting, offering to sell, selling,
17 distributing, transferring, concealing, or otherwise disposing of
18 any products bearing Plaintiff's registered or unregistered
19 trademarks: SIGMATECH, SIGMAALLOY, F84 ANGLED
20 KABUKI, F80 FLAT KABUKI, F82 ROUND KABUKI, F88
21 FLAT ANGLED KABUKI, P80 FLAT PRECISION, P80
22 PRECISION FLAT, F57 EMPHASIZE CONTOUR, F23 SOFT
23 ANGLED CONTOUR, E06 WINGED LINER, F04 EXTREME
24 STRUCTURE CONTOUR, and F03 HIGH CHEEKBONE
25 HIGHLIGHTER, or any colorable imitation thereof (*see* Dkt. 42
26 at 10);
- 27 c. Using any trademark, trade dress, or trade name that falsely
28 represents, or is likely to confuse, mislead, or deceive

1 purchasers or members of the public to believe that any product
2 purchased from Defendants originates from Plaintiff, or that the
3 sale of said product by Defendant has been approved by
4 Plaintiff, such as Plaintiff's unique letter-number product
5 designations (*see* Dkt. 42 at 11);

6 d. Directly or indirectly manufacturing, purchasing, importing,
7 exporting, advertising, promoting, offering to sell, selling,
8 distributing, transferring, concealing, or otherwise disposing of
9 any products that bear a reproduction, copy, or colorable
10 imitation of the ornamental features claimed in Plaintiff's U.S.
11 Patent No. D718,060, with the ornamental featuring including a
12 three-line ferrule design (*see* Dkt. 42 at 12);

13 e. Directly or indirectly manufacturing, purchasing, importing,
14 exporting, advertising, promoting, offering to sell, selling,
15 distributing or transferring the following products, based on the
16 actions described in paragraphs a-d above:

- 17 i. 7-Brush "Travel Kit Make Me"
- 18 ii. "12 Pcs Essensial Kit"
- 19 iii. "E05 – Eye Liner Brush"
- 20 iv. "E06 – Winged Liner Brush"
- 21 v. "E15 – Flat Definer Brush"
- 22 vi. "E20 – Short Shader Brush"
- 23 vii. "E36 – Blending Brush"
- 24 viii. "E45 – Small Tapered Blending Brush"
- 25 ix. "F03 – High Cheekbone Highlighter Brush"
- 26 x. "F04 – Structure Contour Brush"
- 27 xi. "F23 – Soft Angled Contour Brush"
- 28 xii. "F25 – Tapered Face Brush"

- xiii. “F35 – Tapered Highlighter” brush
- xiv. “F41 – Fan Brush”
- xv. “F57 – Contour Brush”
- xvi. “KTB F70 – Concealer” brush
- xvii. “F80 – Flat Kabuki” brush
- xviii. “F82 – Round Kabuki Brush”
- xix. “F84 – Angled Kabuki Brush”
- xx. “KTB F86 – Tapered Kabuki” brush
- xxi. “F88 Flat Angled Kabuki” brush
- xxii. “KTB F90 – Fan” brush
- xxiii. “Fx9 – Bent Liner Brush”
- xxiv. “KTB P80 – Precision Flat” brush
- xxv. “KTB 150 – Large Powder” brush
- xxvi. “KTB 168 – Large Angled Contour” brush
- xxvii. “KTB 187 – Duo Fiber”
- xxviii. “KTB 190 – Foundation” brush
- xxix. “KTB 208 – Angle Brow” brush
- xxx. “KTB 217 – Blending Brush”
- xxxi. “KTB 219 – Pencil” brush
- xxxii. “KTB 239 – Eye Shading” brush

f. Using, linking to, exercising control over, operating, hosting, or otherwise owning any domain name or website, including, but not limited to, <https://ktbcosmetics.com>, to engage in activity that violates the terms of this Judgment or otherwise infringes upon Plaintiff’s copyrights, registered or unregistered trademarks, or U.S. Patent No. D718,060, and shall cease operation of all infringing webpages, including:

- i. <https://ktbcosmetics.com/product/ktb-7-pcs-travel-kit->

- 1 make-me/
2 ii. [https://ktbcosmetics.com/product/ktb-12-pcs-essensial-](https://ktbcosmetics.com/product/ktb-12-pcs-essensial-kit/)
3 kit/
4 iii. <https://ktbcosmetics.com/product/ktb-e05-eye-liner-brush/>
5 iv. <https://ktbcosmetics.com/product/e06-winged-liner-brush/>
6 v. <https://ktbcosmetics.com/product/e15-flat-definer-brush/>
7 vi. <https://ktbcosmetics.com/product/e20-short-shader-brush/>
8 vii. <https://ktbcosmetics.com/product/e36-blending-brush/>.
9 viii. [https://ktbcosmetics.com/product/e45-small-tapered-](https://ktbcosmetics.com/product/e45-small-tapered-blending-brush/)
10 blending-brush/
11 ix. [https://ktbcosmetics.com/product/f03-high-cheekbone-](https://ktbcosmetics.com/product/f03-high-cheekbone-highlighter-brush/)
12 highlighter-brush/
13 x. [https://ktbcosmetics.com/product/f04-structure-contour-](https://ktbcosmetics.com/product/f04-structure-contour-brush/)
14 brush/
15 xi. [https://ktbcosmetics.com/product/f23-soft-angled-](https://ktbcosmetics.com/product/f23-soft-angled-contour-brush/)
16 contour-brush/
17 xii. <https://ktbcosmetics.com/product/f25-tapered-face-brush/>
18 xiii. [https://ktbcosmetics.com/product/ktb-f35-tapered-](https://ktbcosmetics.com/product/ktb-f35-tapered-highlighter/)
19 highlighter/
20 xiv. <https://ktbcosmetics.com/product/f41-fan-brush/>
21 xv. <https://ktbcosmetics.com/product/f57-contour-brush/>
22 xvi. <https://ktbcosmetics.com/product/ktb-f70-concealer/>
23 xvii. <https://ktbcosmetics.com/product/ktb-f80-flat-kabuki/>
24 xviii. [https://ktbcosmetics.com/product/f82-round-kabuki-](https://ktbcosmetics.com/product/f82-round-kabuki-brush/)
25 brush/
26 xix. <https://www.sigmabeauty.com/essentialkit/p/CKPARNT1>
27 xx. <https://ktbcosmetics.com/product/ktb-f86-tapered-kabuki/>
28 xxi. <https://ktbcosmetics.com/product/ktb-f88-flat-angled->

1 kabuki/

2 xxii. <https://ktbcosmetics.com/product/ktb-f90-fan/>

3 xxiii. <https://ktbcosmetics.com/product/fx9-bent-liner-brush/>

4 xxiv. <https://ktbcosmetics.com/product/ktb-p80-precision-flat/>

5 xxv. <https://ktbcosmetics.com/product/ktb-150-large-powder/>

6 xxvi. [https://ktbcosmetics.com/product/ktb-168-large-angled-](https://ktbcosmetics.com/product/ktb-168-large-angled-contour/)
7 [contour/](https://ktbcosmetics.com/product/ktb-168-large-angled-contour/)

8 xxvii. <https://ktbcosmetics.com/product/ktb-187-duo-fiber/>

9 xxviii. <https://ktbcosmetics.com/product/ktb-190-foundation/>

10 xxix. <https://ktbcosmetics.com/product/ktb-208-angle-brow/>

11 xxx. <https://ktbcosmetics.com/product/ktb-217-blending-brush/>

12 xxxi. <https://ktbcosmetics.com/product/ktb-219-pencil/>

13 xxxii. <https://ktbcosmetics.com/product/ktb-239-eye-shading/>

14 g. Effectuating assignments or transfers, forming new entities or
15 associations, or utilizing any device for the purpose of
16 circumventing or otherwise avoiding the terms of this Judgment
17 or aiding, abetting, contributing to, or otherwise assisting
18 anyone in infringing upon Plaintiff's Copyright No.

19 TXu002031675, registered and unregistered trademarks, or U.S.
20 Patent No. D718,060.

21 3. Pursuant to 15 U.S.C. § 1118, Defendants are ordered to immediately
22 turn over to Plaintiff, for destruction, all products bearing Plaintiff's
23 registered or unregistered trademarks or infringing upon U.S. Patent No.
24 D718,060. Should Defendants not turn over all infringing products within 10
25 days of entry of this Judgment, Plaintiff is hereby authorized to seize the
26 infringing products located at any of the following addresses associated with
27 Defendants, or wherever else such products may be found in Defendants'
28 possession:

- 1 a. 1440 South Anaheim Blvd SPC D-10 E-79, Anaheim, CA
2 92805;
3 b. 1590 South Anaheim Boulevard, Suite D, Anaheim, CA 92805;
4 c. 1598 South Anaheim Boulevard, Unit B, Anaheim, CA 92805;
5 d. 1800 East McFadden St., Suite 200-A, Santa Ana, CA 92705;
6 e. 250 West Midway Drive #3, Anaheim, CA 92805;
7 f. 318 West Cerritos Avenue, Anaheim, CA 92805; and
8 g. 910 East Catalina Avenue, Santa Ana, CA 92706.

9 4. If at any future time Defendants are found to have violated this
10 Judgment, including but not limited to violating the permanent injunction of
11 failure to comply with the 10-day destruction period identified above,
12 Defendants shall be liable for all attorneys' fees and costs reasonably
13 incurred to enforce this Judgment or otherwise remedy such violation.

14
15 Dated: December 15, 2017



HONORABLE DAVID O. CARTER
U.S. DISTRICT COURT JUDGE